

### **REMARKS**

Claims 1-166 remain in this application. The examiner allowed claims 151-166. The examiner has acknowledged that claims 4, 6, 9-16, 18-103, 107-109, 112-115, 117-124, 127, 128, 130, and 133-150 are directed to allowable subject matter.

#### **I. NON-STATUTORY DOUBLE PATENTING**

The examiner provisionally rejected claims 1-3, 5, 7, 8, 17, 104-106, 110, 111, 116, 125, 126, 128, 129, 131, and 132 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 17, 33, 55-57, 65, 66, 76, 77, 88, and 89 of copending U.S. Patent Applicant Serial No. 10/728,650 ("the '650 Application").

The applicants acknowledge the provisional rejection and, should the claims at issue in the '650 Application issue, they will take the appropriate action required at that time.

#### **II. ALLOWABLE SUBJECT MATTER**

The examiner stated that claims 4, 6, 9-16, 18-103, 107-109, 112-115, 117-124, 127, 128, 130, and 133-150 are objected to as being dependent upon a provisionally rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicants are awaiting the resolution of the provisional rejection of the base claims under the judicially created doctrine of obviousness-type double patenting. Therefore, the applicants have not amended any of the objected to claims 4, 6, 9-16, 18-103, 107-109, 112-115, 117-124, 127, 128, 130, and 133-150 at this time.

**CONCLUSION**

If the examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769 (ref. 1030-23000) of Conley Rose, P.C., Houston, Texas.

Respectfully submitted,  
CONLEY ROSE, P.C.



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Collin A. Rose  
Reg. No. 47,036  
P.O. Box 3267  
Houston, TX 77253-3267  
(713) 238-8000 (Phone)  
(713) 238-8008 (Fax)